REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-8, 25, 26, 31 and 32-37 are presently active in this case, Claims 1, 25 and 31 are amended and Claims 32-37 are added by the present amendment.

Support for amendments and additions to the claims can be found, at least, on page 32, line 6 to page 37 line, line 8 of the originally filed specification. For example, support for the added Claim 32 can be found, at least, in Claim 1 in addition to the above noted portions of the specification.

In the outstanding Office Action, Claims 1, 3-8, 25, 26 and 31 were rejected under 35 U.S.C. §103(a) as unpatentable over de Groot (U.S. Patent No. 6,421,047) in view of Leahy et al. (U.S. Patent No. 6,219,045, herein Leahy) and Kawamura et al. (U.S. Patent No. 6,404,430, herein Kawamura).

In response to the rejection of Claims 1, 3-8, 25, 26 and 31 under 35 U.S.C. §103(a), Applicant respectfully requests reconsideration of these rejections and traverse the rejections as discussed next.

Amended Claim 1 recites, in part,

> virtual space information storing means for storing, in advance, virtual space information specifying a plurality of types of virtual spaces to be offered for purchase;
>
> virtual space offering means for allowing a first user of a plurality of users to select one of said virtual spaces as a user-specific virtual space leased or owned by said first user of the plurality of users; and
>
> charge controlling means for charging said first user of the plurality of users a fee to own or lease said user-specific virtual space, wherein said fee is based on the specified type of said user-specific virtual space and only said first user of the plurality of users is charged to own or lease said user-specific virtual space and the remaining plurality of users may access the virtual space without charge.

Claims 25 and 31 recite similar features.

In the outstanding Office Action Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over de Groot in view of Leahy and Kawamura. The outstanding Office Action, states on pages 2-3 that "De Groot however is silent regarding a charge controlling means for charging said privileged user who owns said user-specific virtual space a fee corresponding to a type of said user-specific virtual space and only the first or privileged user is charged to access the virtual space." In addition, the outstanding Office Action relies on Leahy as curing this deficiency in de Groot.

On page 3, in the second paragraph, the outstanding Action states that "Leahy et al. discloses a controlling means (world object6 66) which periodically initiates collection statistics based on usage for billing for a given file. The Examiner reads this as disclosing plural user billing to a single file. The nomenclature of "first user" is deemed to be a mere modifier and is read as the file owner cited in col. 15, line 15." Applicants respectfully traverse this position.

It is well established that ***each word*** of every claim must be given weight. *See* In Re Wilson, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Further, it is well established that while the U.S. Patent and Trademark Office is to give claim language its broadest "reasonable" interpretation, this does not mean that the U.S. Patent and Trademark Office can completely ignore the understanding that the artisan would have of the term "first user" obtained in light of the specification so as to ascribe a completely different and unknown meaning to the term "first user." *See* In Re Cortright, 165 F.3d 1353, 1358, 49 U.S.P.Q. 2d 1464, 1467 (Fed. Cir. 1999)' ("Although the PTO must give claims their broadest reasonable interpretation, this interpretation must be consistent with the one those skilled in the art would reach.") and In Re Okuzawa, 537 F.2d 545, 548, 190 U.S.P.Q. 464, 466 (C.C.P.A. 1976) citing In Re Royka, 490 F.2d 981, 984, 180 U.S.P.Q. 580, 582-83 (C.C.P.A. 1974) ("Claims are not to be read in a vacuum, and while it is true they are given

the broadest *reasonable* interpretation during prosecution, their terms still have to be given the meaning called for by the specification of which they form a part.").

The reasoning provided in the Final Action states that the claimed first user is read as the file owner described in col. 15, line 15. However, col. 15, lines 4-15 of Leahy describes that the world object 66 collects statistics on the usage of rooms used by many users and stores this information in a file. The "file owner" is not mentioned or described in Leahy but one must assume that the owner of the file (a.k.a. the "file owner") is the administrator of the server 61 on which the world object 66 operates. However, one skilled in the art would clearly not confuse the "first user" who selects a virtual space to be a user-specific virtual space and is charged a fee for this "purchase" with the administrator of the server on which the virtual space is stored. In other words, the "first user" recited in Claim 1 is clearly a user of the virtual space system while the "file owner" described in Leahy is not a user of the system at all.

Clearly Leahy does not describe or suggest that "only said first user of the plurality of users is charged to own or lease said user-specific virtual space and the remaining plurality of users may access the virtual space without charge."

In addition, further evidence that Leahy does not describe or suggest that only the first user (i.e. the original user) is charged is found in the fact that the world object of Leahy is tasked with collecting usage statistics for billing. In Claim 1, the first user is charged for the space without any interest in usage statistics. In the invention recited in Claim 1, there is no need to waste server resources tracking usage, as the first user (i.e. the owner of the space) is charged to own or least the space, all other users can use the space without charge from the charge controlling means. Therefore Applicants respectfully submit that Leahy does not cure the above noted deficiencies of de Groot.

In addition, the outstanding Action states that "official notice is taken of a single user initiated session which allows other users to [use] a commonly connected network billed to a host or a "first user"...see EPO 920 178, step 40, col. 6." Applicants respectfully submit that the invention recited in Claim 1 clearly distinguishes from a phone conference.

A phone conference is merely a connection facilitator. The telephone conference session initiator is billed for the service of connecting a number of telephone lines together. In contrast, Claim 1 recites that the first user is charged to own or lease said user-specific virtual space. One skilled in the art would know that there is a significant difference between the virtual space recited in Claim 1 and a simple connection of telephone lines. In addition, the system described in EP0920128 describes that billing for the conference call is based on usage.[1] As described above, the invention recited in Claim 1 is not a usage based billing system, instead a user owns or leases the virtual space and the user's usage amounts are not relevant.

Further the outstanding Office Action states that "the above combination [de Groot and Leahy] is silent regarding the feature of "specifying a plurality of types of virtual spaces to be offered for selection.""

However, the outstanding Office Action relies on Kawamura as curing the above noted deficiencies in de Groot and Leahy.

However, Kawamura merely describes a virtual space data file that includes geographical and image data corresponding to a two-dimensional section organized by x and y coordinates.[2] Kawamura does not describe specifying a plurality of types of virtual spaces to be offered for purchase. Thus, Kawamura's virtual space feature is not descriptive of Claim 1's virtual space information storing means for storing, in advance, virtual space information specifying a plurality of types of virtual spaces to be offered for purchase, as

[1] EP0920128, paragraphs 0026 and 0028
[2] Kawamura et al. Col. 5, lines 46-53.

Kawamura merely describes a file with information about a single virtual space not a list of different types of virtual spaces.

Further, Kawamura does not cure the above noted deficiencies of de Groot and Leahy with respect to the above noted features of Claims 1, 25 and 31.

Accordingly, for the above reasons, Applicant respectfully requests that the rejection of Claims 1, 3-8, 25, 26, and 31 under 35 U.S.C. 103(a) as unpatentable over de Groot in view of Leahy and Kawamura be withdrawn; and respectfully submits that Claims 1, 3-8, 25, 26, and 31 are patentable over de Groot, Leahy and Kawamura considered individually or in any proper combination.

Further with respect to newly added Claim 32 and claims depending therefrom, Applicants respectfully submit that these claims also patentably distinguish over the cited de Groot, Leahy and Kawamura references. Newly added Claim 32 is supported, at least, by originally Claim 1 and page 32, line 6 to page 37 line, line 8 of the specification.

Specifically, none of the cited references describe a charge controlling means for charging said purchasing user of the plurality of users of the virtual world a fee to own or lease said user-specific virtual space in the virtual world, wherein only said purchasing user of the plurality of users of the virtual world is charged to own or lease said user-specific virtual space in the virtual world and the remaining plurality of users of the virtual world may access the virtual space in the virtual world without charge."

In other words, Claim 32 describes a charge controlling means for charging a user of a virtual world who elects to own or lease a virtual space in the virtual world. None of the cited references describe this feature.

Accordingly, Applicants respectfully submit that Claim 32 and claims depending therefrom patentably distinguish over de Groot, Leahy and Kawamura considered individually or in any proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Edward Tracy

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\JL\214182US\214182US_AM(3.28.2007).DOC

Edward W. Tracy
Registration No. 47,998